

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

ASHTREY INVESTMENT, LLC
Respondent

Case No.: I-00-20416

FINAL ORDER

The Notice of Infraction in this matter alleges a violation of 21 DCMR 700.3, which requires property owners to containerize solid wastes properly. It alleges that the violation occurred on November 2, 2001 at 1723 Capitol Avenue, N.E. On November 21, 2001, I issued an order construing a plea filed by Respondent as a motion for summary judgment and permitting Respondent to file, on or before December 5, 2001, documentary evidence in support of its contention that it did not own the property at issue on November 2. Respondent timely filed a copy of a settlement sheet showing that it had sold 1723 North Capitol Avenue on December 20, 1999, almost one year before the date of the alleged infraction.

The November 21 order also permitted the Government to file, on or before December 19, 2001, affidavits or other documentary evidence disputing Respondent's claim of non-ownership. The Government did not file any responsive papers. Consequently, Respondent's motion for summary judgement is unopposed and will be granted.

Accordingly, it is, this _____ day of _____, 2002:

ORDERED, that Respondent's motion for summary judgment is **GRANTED**, and the Notice of Infraction is **DISMISSED WITH PREJUDICE** on the ground that Respondent did not own the property at issue on the date of the violation alleged by the Government.

/s/ **2/4/02**

John P. Dean
Administrative Judge